

CITY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 964

Tuesday, September 11, 2007, 1:00 p.m.

Francis F. Campbell City Council Room

Plaza Level of City Hall

Tulsa Civic Center

**MEMBERS
PRESENT**

Henke, Chair
Stead, Vice Chair
Stephens
Tidwell, Secretary
White

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, September 6, 2007, at 3:20 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Henke called the meeting to order at 1:00 p.m.

Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **White**, the Board voted 5-0-0 (White, Henke, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of August 14, 2007 (No. 962).

NEW APPLICATIONS

Case No. 20547

Action Requested:

Special Exception to permit automobile and allied activities (Use Unit 17) in a CS district (Section 701), located: 10705 East 11th Street South.

Presentation:

Jim Kacklemeyer, 5505 East Archer, introduced himself. **David Jones**, 10705 East 11th Street, introduced himself also. Mr. Jones submitted applicant exhibits (B-1). The property was formerly a gas station and auto repair since the mid-1950's. Since then, it was expanded for muffler repair, radiator shop and tire shop. The condition of the building was in disrepair when purchased, however has since been renovated. It has a new striped parking lot. Photographs (Exhibit B-1) show it is clean and no vehicles are stored outside. He reviewed the surrounding businesses.

Comments and Questions:

Mr. White asked if they would sell tires only. Mr. Kacklemeyer replied they want to have the allied and automotive services, such as minor brake jobs, struts and alignments. Mr. Kacklemeyer has an addendum to the contract that no parts, tires or automobiles to be stored outside. Ms. Stead commented she would want a time limit on the approval.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit automobile and allied activities (Use Unit 17) in a CS district (Section 701), with conditions: limited to tire/wheel sales and service, automotive repair except engine work, no portable signs in place on the property, no outside storage of materials, parts or equipment, all refuse placed in appropriate containers, approval for a period of five years, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

S175 LT 11 LESS S30 FOR ST & LESS W25 OF N145 THEREOF BLK 2, EAST ELEVENTH PARK SUB, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20562

Action Requested:

Variance of the required 100 ft. separation between ground signs to permit location of 2 ground signs (Section 1103.B.2.b.3), located: 8040 South Sheridan Road.

Mr. Henke recused himself.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, represented McGraw Realtors, owner of the subject property. There is an underlying CS zoning on a portion of

the property and without the PUD it would probably allow more than 600 sq. ft. of signage. The PUD was approved with provision for two ground signs, maximum of 20 ft. in height and not to exceed 72 sq. ft. of display surface area each. They proposed signage with the effect of two signs in that they are separate but in proximity. They would be located at the corner and each would face a different street. The plans include a water feature. Mr. Johnsen stated this meets the objective of the code to avoid sign clutter. The signage that would be permitted without any variance far exceeds what he proposed. A conceptual plan was provided (Exhibit C-1).

Comments and Questions:

In response to questions from the Board, Mr. Johnsen stated the Timberline sign would be removed. He stated the new signage would have flood lights. They would be 5' x 8', each has 40 sq. ft.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-1 (White, Stephens, Stead, Tidwell "aye"; no "nays"; Henke "abstained"; no "absences") to **APPROVE** a Variance of the required 100 ft. separation between ground signs to permit location of 2 ground signs (Section 1103.B.2.b.3), with conditions for the Timberline sign to be removed; permitting two 5' x 8' signs separated by approximately 2.5 ft., per conceptual plan, finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 1 BLK 1, H-J PLAZA, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20565

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign (Section 1221.F.2), located: 5555 South 129th Avenue East.

Presentation:

Richard Maris, 7122 South Sheridan, Suite 2, submitted a survey (Exhibit D-1). He stated the distance between the proposed sign and the nearest existing sign to the southeast is 1,635 ft. The original sign location was the far northwest corner

but they found they could not move trucks in and out for a drainage ditch and beaver activity. He added that the state would not allow them to go through the right-of-way, so they had to move the site to the other end of the property.

Mr. White abstained from the case.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-1 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; no "absences") to **ACCEPT** the Verification of the spacing requirement for an outdoor advertising sign (Section 1221.F.2), finding the applicant has abandoned the sign location approved in BOA Case No. 20320 on August 8, 2006, and this is based on the survey submitted, noting that the southeast distance is 1,635 ft. from the nearest southeast sign, instead of 1,675 ft. shown on the drawing on page 5.6, on the following described property:

LT1 LESS BEG NWC TH E 24.75 NE 51.79 SE 294.20 NW 246.63 S 72.12 SW 65 S 125 W 60 W LN 250.57 POB LESS W 50 THEREOF & LESS BEG NEC LT1 TH S 29.220 NE LN W 1813.20 NW 286.84 NW 243.82 TO PT ON SLB AEXP SE 538.11 SE 425 SE 127.48 SE 499.99 SE 127.48 SE 616.87 POB & LESS BEG SWC LT1 TH N 440.32 E 449.30 E 282.88 CRV RT 1761.70 E 100 S 482.72 W 2593.02 POB BLK1, FORD MOTOR CO TULSA GLASS PLANT, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20566

Action Requested:

Special Exception to permit church and church accessory use (Use Unit 5) in an RS-3 district (Section 401), located: Northeast corner of East Oklahoma Street and North 67th East Avenue.

Presentation:

Steve Olsen, 324 East 3rd Street, introduced Father Tim Davison, the Pastor of Saints Peter and Paul Catholic Church. They propose to have the property across the street for church, school use and his office. His office has been located in his residence for some time. They also have the subject property with the storage building. They proposed to move the office to the subject property for more visibility for visitors.

Interested Parties:

Kathleen Newman, 6709 East Oklahoma Street, wanted to find out what they are going to do with the subject property. She is restoring a small house on the property next to the parking lot. She described numerous trucks and vehicles

pulling in on her property to park and using the driveway to turn around. People going to the housing authority office across the street drive those vehicles. She also asked for the tree to remain.

Father Tim Davison, 1436 North 67th East Avenue, stated they plan to keep the tree. They do not plan to gate the subject property.

Comments and Questions:

Mr. White stated they should provide landscaping to prevent light penetration into the neighborhood.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Special Exception to permit church and church accessory use (Use Unit 5) in an RS-3 district (Section 401), with conditions for a new sidewalk on three sides, vehicle access only from 67th East Avenue, parking on concrete or asphalt only, screening on north, south and east shall be of sufficient landscaping to prevent light penetration, per plan, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 6 BLK 5, LT 7 BLK 5, LT 8 BLK 5, LT 9 BLK 5, SAINT PETER AND PAUL SUB, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20567

Action Requested:

Verification of spacing for a day labor hiring center (Section 1214.C.3), located: 4647 South Peoria Avenue East.

Presentation:

Craig Conrad, 7802 South 97th East Avenue, represented Labor Ready. He stated he came to the Board before for another location, but it did not work out. He presented at this time for the subject property and verified spacing with a survey.

Interested Parties:

Phillip Anstead, 3873 South Atlanta Place, asked the duration of the time limitation for the other types of businesses listed for required spacing.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing for a day labor hiring center (Section 1214.C.3), on the following described property:

W 150 LT 4 BLK 6, CEDAR GARDENS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20568

Action Requested:

Variance of the maximum permitted square footage for a detached accessory building in the RS-3 district from 500 sq. ft. to 1,200 sq. ft. (Section 402.B.1.d), located: 6303 East King Street North.

Presentation:

Tim Taylor, 6306 East King Street, submitted a site plan and photographs (Exhibit F-1). He proposed to construct an accessory building to store his personal truck, tools and equipment. He does not plan to operate a business. There will not be any plumbing to the building. He has obtained large tools to work on the restoration of the truck that he needs room to store.

Comments and Questions:

Ms. Stead stated the building was too large in comparison to his house. Mr. Stephens asked for the hardship. He stated the hardship is that it would be difficult to add on to his house and preserve the patio. Mr. Henke advised it would be better to add on to his house. Ms. Stead informed Mr. Taylor that he could build 500 sq. ft. without Board approval. Mr. Taylor noted there are other large buildings in the neighborhood.

Interested Parties:

Carl Parson, 30355 South 4230 Road, Inola, Oklahoma, stated he is the contractor for this project. He indicated this would be an improvement to the property and the neighborhood. He noted the precedent has been set in the neighborhood.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Variance of the maximum permitted square footage for a detached accessory building in the RS-3 district from 500 sq. ft. to 1,200 sq. ft. (Section 402.B.1.d), finding it is out of proportion for the neighborhood and a lack of hardship, on the following described property:

LT 25 BLK 21, MAPLEWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20552

Action Requested:

Special Exception to permit a children's nursery in the RS-3 district (Section 401); and a Variance of the 25 ft. minimum building setback from abutting properties in an R district (Section 404.F.4), located: 2151 East 29th Street North.

Presentation:

Richard Barnett, 1119 North Denver Avenue, submitted a site plan and a petition of support (Exhibits A-1 and A-2). He stated this is a strategic location for a nursery near schools and parks. It is a home and has less impact on the neighborhood.

Comments and Questions:

Mr. Henke asked him to explain the plans for parking spaces. Mr. Barnett explained they plan to add six feet on either side of the carport providing 26 ft. total needed for parking. Mr. Cuthbertson commented that the parking has to be set back 40 ft. from the centerline. He pointed out that one of the parking spaces might have to be moved to the other side of the driveway.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a children's nursery in the RS-3 district (Section 401), finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and a Variance of the 25 ft. minimum building setback from abutting properties in an R district (Section 404.F.4), with the following conditions: the special exception is granted for five years; subject to five parking spaces set back a minimum of 40 ft. from the centerline of 29th Street North, finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

LTS 6 & 7 BLK 3, FRED THOMPSON 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 2:30 p.m.

Date approved: 10/23/07

Frank X. [Signature]
Chair